

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng
Deputy City Manager
Planning and Economic Development

Subject: Topping Brothers Land Corp. Topping Family Farm Inc.
3095 and 3105 Bostwick Road
Talbot Village Subdivision Phase 7- Special Provisions
City File No: 39T-21502_7 Ward 9

Meeting on: February 21, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Topping Brothers Land Corp./Topping Family Farm Inc. for the subdivision of land over CON ETR E PT LOT 77, situated south Southdale Road West and west of Bostwick Road, municipally known as 3095 and 3105 Bostwick Road;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Topping Brothers Land Corp./Topping Family Farm Inc. for the Talbot Village Subdivision, Phase 7 (39T-21502_7) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix “C”; and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Executive Summary

Seeking approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Topping Brothers Land Corp./Topping Family Farm Inc. for the Talbot Village Subdivision, Phase 7 (39T-21502_7)

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

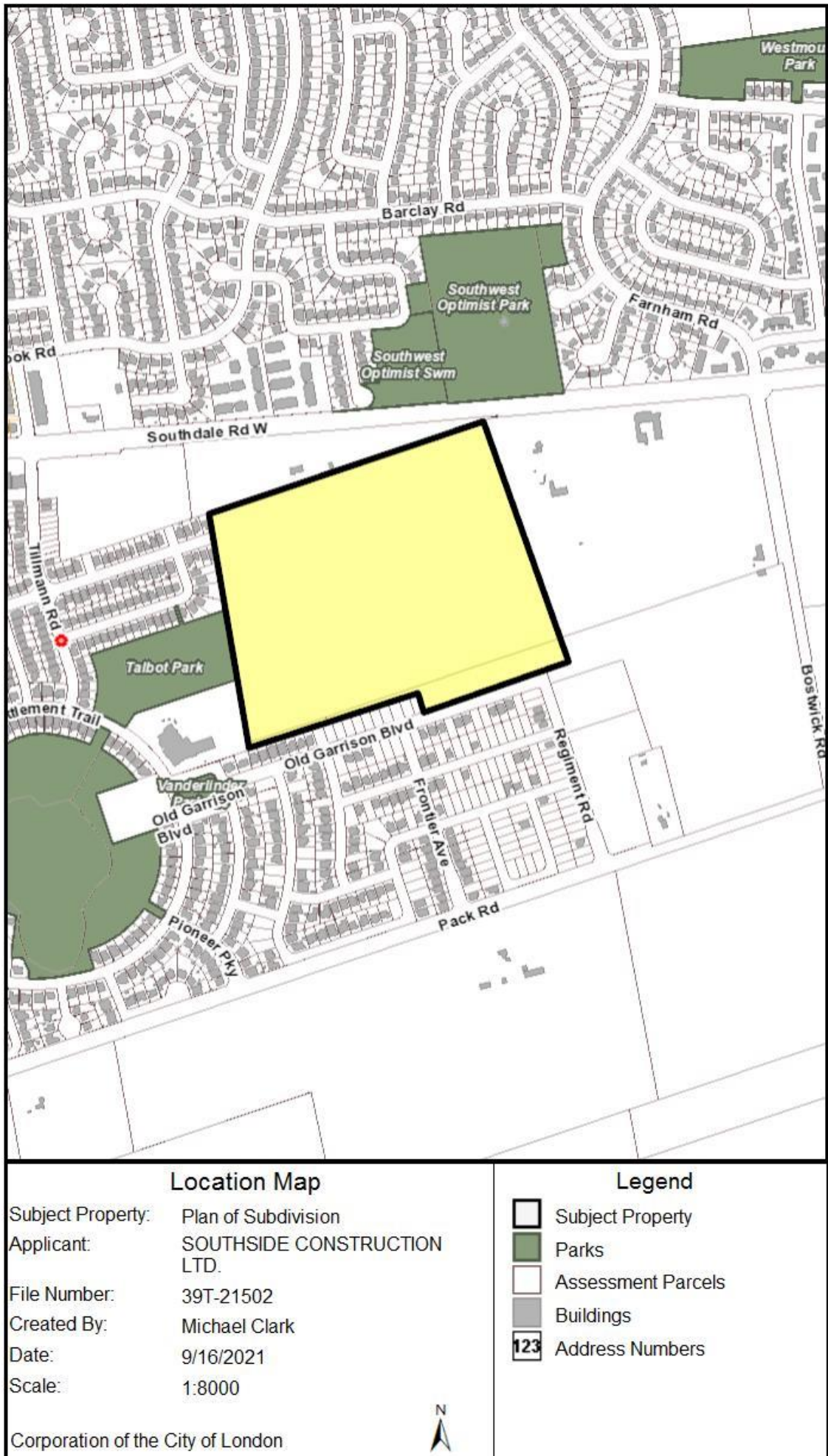
Analysis

1.0 Background Information

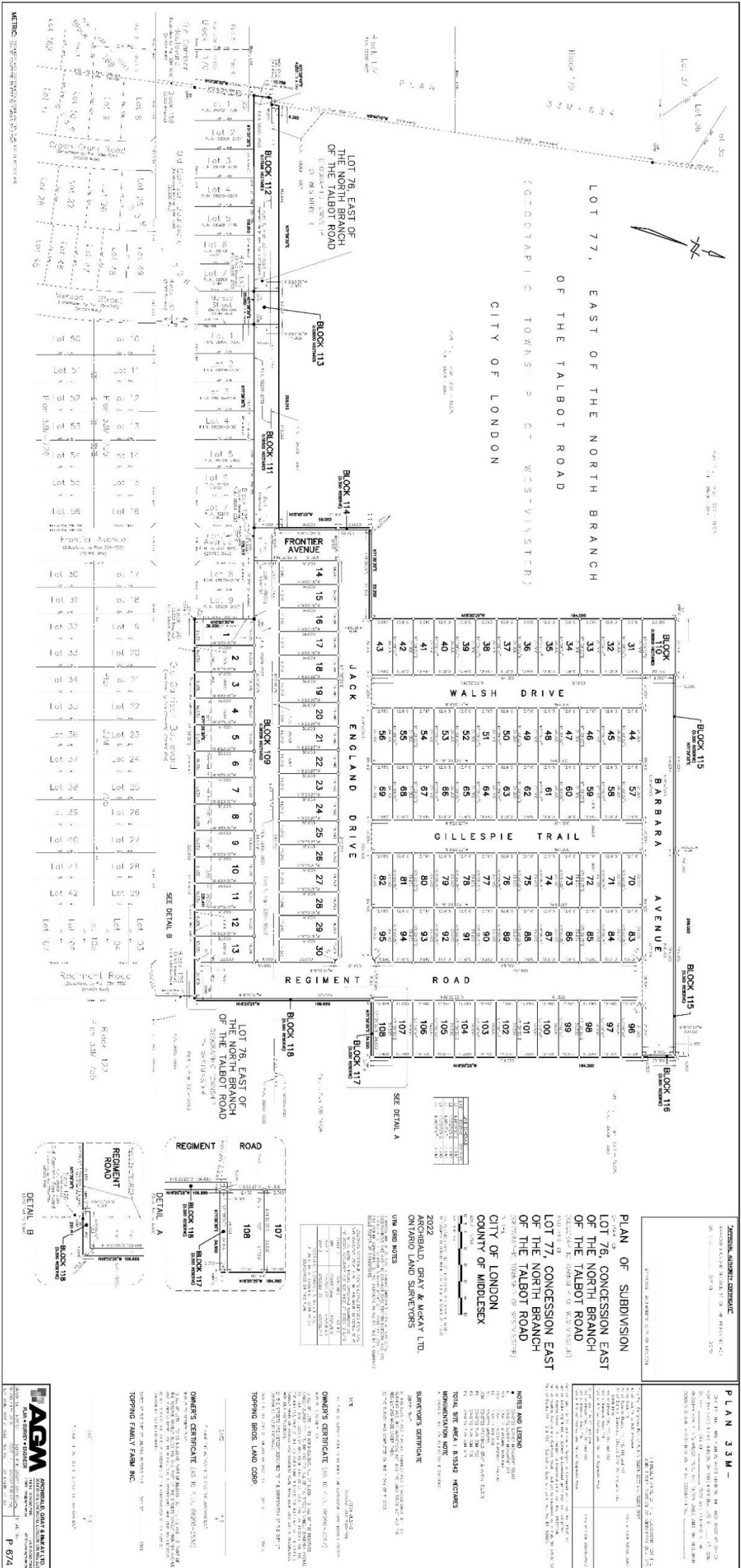
1.1 Property Description

The subject lands are located at 3095 and 3105 Bostwick Road. The overall subdivision (39T-21502) is comprised of 23.44 ha (20.05 acres) of land located to south of the Southdale Road West, west of the Bostwick Road. Access to the subject lands is provided via Regiment Road, Old Garrison Boulevard and Frontier Avenue to the south. Later phases of this subdivision are planned to provide access to Southdale Road West to the north, and Bostwick Road to the east. Surrounding lands include existing low density residential uses to the west and south, parks and open space to the west, an elementary school to the west, vacant land used for cash crops to the east.

1.2 Location Map



1.3 Talbot Village Subdivision Phase 7



2.0 Discussion and Considerations

2.1 Development Proposal

Phase 7 of the Talbot Village Community will consist of 108 single detached lots (Lots 1 to 108), three (3) park blocks (Blocks 109, 111 and 112), six (6) part blocks (Blocks 113 to 118) and four (4) new local streets (Barbara Avenue, Jack England Drive, Walsh Drive and Gillespie Trail). Draft approval of the Subdivision was granted by the City of London Approval Authority on December 14, 2021.

The recommended special provisions for the proposed Phase 7 Subdivision Agreement are found at Appendix A of this report. Staff has reviewed these special provisions with the Owner who is in agreement with them.

This report has been prepared in consultation with the City Solicitors Office.

3.0 Financial Impact/Considerations

3.1 Financial Securities

Through the completion of the works associated with this application fees, development charges and taxes will be collected. Outside of the DC eligible items outlined in the attached Source of Financing (Appendix C), there are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the draft plan of subdivision approval process and subdivision agreement conditions.

Conclusion

Planning and Development staff are satisfied with the proposed special provisions for the Talbot Village Subdivision – Phase 7, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfil its conditions.

Prepared by: Archi Patel
Planner I, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivision Planning

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
**Deputy City Manager,
Planning and Economic Development**

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning and Development.

cc: Bruce Page, Manager, Subdivision Planning
Matt Davenport, Manager, Subdivision Engineering

February 13, 2023
AP/JZ/BP

Appendix A – Special Provisions

15. PROPOSED SCHOOL SITES

Remove Subsections 15.3 to 15.8 as there are no school blocks in this Plan.

- ~~15.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~
- ~~15.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the Subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~
- ~~15.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~
- ~~15.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~
- ~~15.7 The Owner agrees that the school blocks shall be:~~
- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
 - ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the Subdivision by the City.~~
- ~~15.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

24.1 STANDARD REQUIREMENTS

Add the following Special Provisions:

- 1 The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this Plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement(s) in this Plan, quit claimed to the satisfaction of the City, at no cost to the City.
- 2 Prior to assumption of this Subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the Deputy City Manager, Finance Supports the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine. It is noted inflationary costs may be added onto costs at the time of assumption.
 - (i) Removal of automatic flushing devices/blowoffs in future, an amount of \$5,000 each flusher.
 - (ii) Operation and maintenance of the temporary SWM facility and associated works including restoration of boulevard and installation of sidewalk on the east side of Regiment Road, an amount of \$23,340.

- 3 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to construct new services and make adjustments to the existing works and services on Frontier Avenue in Plan 33M-624 and Old Garrison Boulevard and Regiment Road in Plan 33M-755, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the Lots in this Plan fronting this street (e.g., private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City. Such arrangements shall include, but not be limited to, providing sufficient notice, co-ordination and clarification with adjacent land owners as to what each parties consulting engineer will be required to be certified for the City for the purposes of assumption, all to the satisfaction of the City.

24.2 CLAIMS

Remove Subsection 24.2 (c) and **replace** with the following:

- (c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the Deputy City Manager, Environment and Infrastructure (or designate) and the Deputy City Manager, Finance Supports (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds are:

- (i) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$32,886;
- (ii) for the construction of Active Transportation facilities on Regiment Road, the estimated cost of which is \$92,830, as per the approved Work Plan.

24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

- 4 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct and have operational temporary sediment and erosion control works as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- 5 All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted as per accepted engineering drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure and at no cost to the City.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

- 6 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile generally located in this Plan, all to the satisfaction of the City and at no cost to the City.
- 7 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owners to the east, west and south to regrade a portion of the property abutting this Plan, in conjunction with grading and servicing of this Subdivision, to the specifications of the City, at no cost to the City.
- 8 The Owner shall remove the existing 10 metre drainage easement located within this Plan registered as part of Talbot Village Phase 6, Plan 33M-755, all to the satisfaction of the City.

24.8 STORM WATER MANAGEMENT

Revise Subsection 24.8 (d) as follows:

- (d) Prior to the issuance of any Certificate of Conditional Approval for this Subdivision, all relevant storm/drainage and SWM servicing works, including the temporary

private dry pond facility and major and minor storm flow routes, for the subject lands must be completed and operational, in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.

Add the following new Special Provisions:

- 9 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the temporary Stormwater Management Facility and temporary rock flow check dams and any associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.
- 10 All temporary storm works and servicing installed within the proposed Plan of Subdivision shall be decommissioned and/or removed when warranted, all to the satisfaction of the City, at no cost to the City.
- 11 The Owner shall provide drainage easements of sufficient width along the boundary of this Plan, external to this Plan as identified on the accepted engineering drawings, to the specifications and satisfaction of the City.
- 12 The Owner shall operate, maintain, and monitor the temporary private dry pond facility located within an easement on the east side of Regiment Road just north of Old Garrison Boulevard until such time Pack Road is reconstructed to its ultimate condition and major flows can reach the intended major outlet with no adverse impacts to downstream properties. The Owner agrees to complete the following to the satisfaction of the City, at no cost to the City:
 - i) Operate and maintain the temporary private dry pond facility in accordance with the operation and maintenance procedure outlined in the accepted Functional Storm/Drainage Servicing Report for the subject lands;
 - ii) Monitor the temporary private dry pond facility in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities"; and
 - iii) Have its consulting Professional Engineer submit semi-annual monitoring reports in accordance with the approved maintenance and monitoring program and the City's "monitoring and Operational Procedure for Stormwater Management Facilities" to the City.
- 13 Once Pack Road has been reconstructed to its ultimate condition and major flows can reach the intended major outlet with no adverse impacts to downstream properties, or as otherwise approved by the City, the temporary private dry pond facility shall be decommissioned by the Owner, all affected areas and the City's boulevard reconstructed to ultimate profile and the sidewalk between Jack England Drive and Old Garrison Boulevard completed, all to the specifications and satisfaction of the City, at no cost to the City.
- 14 Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.
- 15 The Owner shall implement SWM Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.

24.9 SANITARY AND STORM SEWERS

Remove Subsection 24.9 (b) and replace with the following:

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Dingman Creek Subwatershed, and connect them to the City's existing storm sewer system being the 900 mm diameter storm sewer on Frontier Avenue and the 1500 mm diameter storm sewer location on Regiment Road in Plan 33M-755 in accordance with the accepted engineering drawings, to the satisfaction of the City. It is noted that the outlets for this Plan are provided by the City Owned Talbot Village SWM facility E2/E3 forebay F2.

Revise Subsection 24.9 (h) as shown in red below:

- (h) The Owner shall take measures to control and prevent any inflow and infiltration

and silt from entering the sanitary sewer system during and after construction, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:

- (i) Installation of a plug in the sanitary sewer system (for this Plan of Subdivision) at the downstream end of the sanitary sewer. The plug shall be removed by the Owner in conjunction with the conditional approval. The City of London shall witness the removal of this plug. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;
- (ii) Flow monitoring of the sanitary sewer may be required and a record of the flows provided to the City. If the flows are in excess of theoretical flows, the Owner shall be required to pay the City for the excess flow;
- (iii) Installation of Parson manhole inserts (or approved alternative satisfactory to the Deputy City Manager, Environment and Infrastructure) in all sanitary sewer manholes within this Plan of Subdivision at the time of installation of the manhole. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;
- (iv) Ensuring that during the construction that City of London by-laws are strictly adhered to in order to prevent stormwater and sediment from ~~to~~ entering into the sanitary sewer system;
- (v) The Owner shall cap private sanitary drain connections in order to prevent practices which contravene City of London By-laws and allow excessive levels of inflow and infiltration and sediment to enter the sanitary sewer system. If any private drain connection is found without a cap, the Owner shall ensure a cap is installed within forty eight (48) hours of being advised by the City. The removal of the cap shall be at the cost of the Owner and shall be made only at the time of or immediately prior to occupancy of that lot.

Remove Subsection 24.9 (j) and **replace** with the following:

- (j) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 250 mm diameter sanitary sewer on Regiment Road and the 200 mm diameter sanitary sewer on Frontier Avenue in accordance with the accepted engineering drawings, to the satisfaction of the City. The sanitary sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City and at no cost to the City unless otherwise specified herein.

Add the following new Special Provisions:

- 16 The Owner shall provide sanitary private drain connection (Lots 1 to 13) to connect to sewer on lot frontages) to the existing sanitary sewer on Old Garrison Boulevard in Plan 33M-755 to serve the Lots in this Plan fronting that street, in accordance with approved engineering drawings
- 17 The Owner shall provide storm private drain connection (Lots 1 to 13) to connect to sewer on lot frontages) to the existing storm sewer on Old Garrison Boulevard in Plan 33M-755 to serve the Lots in this Plan fronting that street, in accordance with approved engineering drawings.
- 18 The Owner shall construct storm sewers through Future Road Block 110 as identified on the accepted engineering drawings and provide any necessary easements, all to the specifications and satisfaction of the City.
- 19 The Owner shall construct storm sewers and any necessary appurtenances on Park Block 109 as identified on the accepted engineering drawings, all to the specifications and satisfaction of the City.
- 20 Prior to the issuance of a Certificate of Conditional Approval, the temporary rock check dams on Lots 1 to 13 are to be decommissioned and removed, all to the specifications and satisfaction of the City. Once the temporary rock check dams

are decommissioned, the Owner may develop Lots 1 to 13, to the satisfaction of the City.

- 21 The Owner shall connect all existing field tiles, if necessary, into the proposed storm sewer system as per the accepted engineering drawings, to the satisfaction of the City.
- 22 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission, remove and dispose of any existing septic system and weeping bed in this Plan offsite to the satisfaction of the geotechnical engineer and the City, at no cost to the City.
- 23 The Owner shall remove any temporary DICBS, etc. and any existing easements may be quit claimed, all to the satisfaction and specifications of the Deputy City Manager, Environment and Infrastructure and at no cost to the City.
- 24 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct works on Pack Road as per the accepted engineering drawings, to the specifications and satisfaction of the City.

24.10 WATER SERVICING

Add the following new Special Provisions:

- 25 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the Deputy City Manager, Environment and Infrastructure, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
 - i) Construct watermains to serve this Plan and connect them to the existing high-level municipal system, namely the existing 250mm diameter watermain on Regiment Road and the 200mm diameter watermain on Frontier Avenue in accordance with the accepted engineering drawings;
 - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units;
 - iii) Have their consulting engineer prepare a Certificate of Completion of Works to confirm to the City that the watermain connection(s) to the 250mm diameter watermain Regiment Road and the 200mm diameter watermain on Frontier Avenue has been constructed, is operational, and is complete.
 - iv) Provide water services to the watermain on Old Garrison Boulevard in Plan 33M-755 to serve the lots (Lots 1 to 13) in this Plan which front onto that street;
- 26 All development Blocks shall be serviced off the water distribution system internal to this Plan of Subdivision.
- 27 The watermains and appurtenances built as part of this Subdivision will form part of the City of London's Water Distribution System as defined by the Safe Drinking Water Act. The City of London's Drinking Water Works Permit requires that the City notify any legal owners of portions of our system of the requirements of the City's Municipal Drinking Water Licence and this Drinking Water Works Permit as applicable. As such, the Owner shall review the City of London Drinking Water Works Permit and Municipal Drinking Water Licence as available on the City of London's website to ensure they are aware of the requirements of these documents.
- 28 If the Owner requests the City to assume Gillespie Trail with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, prior to its extension to the north, the Owner shall pay to the City at the time of the assumption of this Subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the north limit of Gillespie Trail and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for which amount sufficient security is to be provided in accordance with Condition 24.1 _____. The Owner shall

provide the cash to the City at the request of the City prior to assumption of the Subdivision if needed by the City.

- 29 The following warning clause shall be included in all Agreements of Purchase and Sale or Lease of all Lots and Blocks in this Plan:

“The water system, servicing to all the Lots and Blocks within this Plan, has been designed so as to provide service from a high-level water supply system, which is backed up from the low-level water supply system. From time to time, properties in this area may experience lower water pressure when water supply from the high-level system is not available and servicing is provided from the low-level water supply system.”

- 30 The Owner shall include in all Purchase and Sale Agreements, the requirement that the homes to be designed and constructed on all Lots and Blocks in this Plan are to have pressure reducing valves installed and included in the building permit applications for the Lots and Blocks.

24.11 ROADWORKS

Remove Subsection 24.11 (p) and **replace** with the following:

- (p) Where traffic calming measures are required within this Plan:
- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
 - (ii) The Owner shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots on Regiment Road in this Plan, a covenant by the purchaser or transferee stating the said Owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including speeds cushions, to be installed as traffic control devices, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

Remove Subsection 24.11 (q) and **replace** with the following:

- (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Regiment Road or other routes as designated by the City.

Add the following new Special Provisions:

- 31 The Owner shall convey Future Road Block 113, to the City for future use as needed, at no cost to the City. If this Block is not needed upon development or redevelopment of the lands to the north of this block, the City agrees that the Block shall be dedicated to the City for parkland and the amount shall be applied to the future phase.
- 32 The Owner shall convey Future Road Block 110, to the City for future use as needed, at no cost to the City. If this Block is not needed upon development or redevelopment of the lands to the west of this block, the City agrees that the Block will be returned to the Owner for a nominal fee, plus the cost of any associated legal fees for document preparation, for use as a building lot.
- 33 The Owner shall install any bike lanes on Regiment Road as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- 34 The Owner shall reconstruct Old Garrison Boulevard between Frontier Avenue and the east limit of this Plan, including all existing traffic calming measures, sidewalks, servicing, etc., to accommodate servicing of this Plan to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, at no cost to the City, in accordance with approved design criteria and accepted engineering drawings.
- 35 The Owner shall reconstruct Old Garrison Road to secondary collector road standards on a right-of-way width of 23.5 metres as per accepted engineering drawings, to the satisfaction of the City.

- 36 The Owner shall remove the temporary DICBS, etc. and the existing easements at the north limit of Frontier Avenue and north limit of Regiment Road in Plan 33M-755 and the easements may be quit claimed, all to the satisfaction and specifications of the Deputy City Manager, Environment and Infrastructure or designate, at no cost to the City.
- 37 Barricades are to be maintained at the north limit of this Plan until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.
- The Owner shall advise all purchasers of land within this Subdivision that any traffic to and from this Subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.
- 38 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Regiment Road adjacent to the speed cushion locations that indicate Future Speed Cushion Location, as identified on the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 39 Prior to assumption or when required by the Deputy City Manager, Environment and Infrastructure, the Owner shall install speed cushions on Regiment Road, including permanent signage and pavement marking in a location, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

24.12 ZONING – DRIVEWAY WIDTHS

The Owner shall provide the purchasers of all Lots in the Subdivision with a zoning information package which explains Zoning requirements for residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each Lot that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.

24.13 PARKS

Add the following new Special Provisions:

- 40 Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed all Blocks 109, 111 and 112, transferred to the City as part of the parkland dedication requirements, pursuant to current City Park development standards, to the satisfaction of City, and at no cost to the City. Blocks 109, 111 and 112 shall not be used for stockpiling of any kind.

24.14 ADDITIONAL GENERAL SPECIAL PROVISIONS - PLANNING

- 41 The Owner's approved design consultant shall review and endorse all applications for building permits and shall submit at the time of building permit applications a certificate of compliance by the Owner's approved design consultant in accordance with the approved urban design guidelines at no cost to the City of London, and to the satisfaction of the City. The approved design consultant shall be responsible for reviewing all permits with respect to the exterior design criteria for all buildings, landscape areas and other development within the Plan in the context of the approved Talbot Community Urban Design Guidelines, and tertiary plan. The purpose is to ensure a high quality of urban design, architecture and landscape standards and construction. All building permit applications must include clearance from an urban designer or architect pre-approved by the City that the building plans are designed in accordance with the approved Talbot Community Urban Design Guidelines.

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2023, between The Corporation of the City of London and Topping Bros. Land Corp./Topping Family Farm Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Regiment Road shall have a road pavement width (excluding gutters) of 10.0 metres with a minimum road allowance of 23.0 metres as identified as a Neighbourhood Connector in the City of London Compete Streets Design Guidelines.
- Jack England Drive, Frontier Avenue, Walsh Drive, Barbara Avenue and Gillespie Trail shall have a road pavement width (excluding gutters) of 7.5 metres with a minimum road allowance of 20.0 metres.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of all streets in this Plan as per the London Plan.

A 1.5 metre (5 foot) sidewalk shall be constructed on one side of the following streets:

- (i) Old Garrison Boulevard – north boulevard

Pedestrian Walkways

There are no Pedestrian Walkways in this Plan.

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2023, between The Corporation of the City of London and Topping Bros. Land Corp./Topping Family Farm Inc. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves: Blocks 114, 115, 116, 117 and 118

Road Widening (Dedicated on face of Plan): NIL

Walkways: NIL

5% Parkland Dedication: Blocks 109, 111 and 112

Dedication of land for Parks in excess of 5%: 0.365 ha to be applied to the required parkland dedication for Phase 2

Stormwater Management: NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site: NIL

LANDS TO BE HELD IN TRUST BY THE CITY:

Future Road Blocks: Blocks 110 and 113

SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2023, between The Corporation of the City of London and Topping Bros. Land Corp./Topping Family Farm Inc. to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	\$800,849
BALANCE PORTION:	<u>\$4,538,145</u>
TOTAL SECURITY REQUIRED	\$5,338,994

The Cash Portion shall be deposited with the Deputy City Manager, Finance Supports prior to the execution of this Agreement.

The Balance Portion shall be deposited with the Deputy City Manager, Finance Supports prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the Lots and Blocks in this Plan of Subdivision.

The Owner shall supply the security to the City in accordance with the City's By-Law No. CPOL-13-114 and policy adopted by the City Council on April 4, 2017 and any amendments.

In accordance with Section 9 Initial Construction of Services and Building Permits, the City may limit the issuance of building permits until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION ACT, R.S.O. 1990.

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2023, between The Corporation of the City of London and Topping Bros. Land Corp./Topping Family Farm Inc. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

- (a) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the Deputy City Manager, Environment and Infrastructure as follows:
 - (i) Drainage easements along property boundary as per accepted engineering drawings
 - (ii) Over temporary Stormwater Management Facility
 - (iii) For servicing stubs at north limits of Plan as per accepted drawings

Appendix B – Claims and Revenues

Talbot Village Ph 7 - Southside Construction Ltd.
 Subdivision Agreement
 39T-21502

Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF	
- Construction - Active transportation on Regiment Road (DC19RS1007)	\$92,830
- Construction - Storm sewer oversized (DC19MS1001)	\$32,886
Total	\$125,716
Estimated DC Revenues (January 1, 2022 to December 31, 2022 Rates)	Estimated Revenue
CSRF TOTAL	\$3,689,064

- 1 Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
- 2 Estimated DC Revenues are calculated using current DC rates. The City employs a "citywide" approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
- 3 DC Claim Costs are based on the approved Work Plan cost estimates provided by the Owner for engineering and construction of the claimable works. Final claim payments will be approved based on actual costs incurred by the Owner in conjunction with the terms of the registered Subdivision Agreement, Work Plan and the DC By-law.
- 4 The Oversizing Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.

Approved by:

22/12/08

Date



Paul Yeoman
 Director, Capital Assets and Projects

Appendix C – Source of Financing

#22164

December 1, 2022
(39T-2105)

RE: Subdivision Special Provisions: Talbot Village Ph. 7
Southside Construction Ltd.
Capital Project ES542919 - Storm Sewer Internal Oversizing Subsidy (2019-2023) (2568658)
Capital Project TS173919 - Active Transportation (2019-2023) (2568657)

Finance Supports Report on the Sources of Financing:

Finance Supports confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget and that, subject to the execution of the subdivision agreement, the detailed source of financing is:

Estimated Expenditures	Approved Budget	Committed To Date	This Submission	Balance for Future Work
ES542919 - Storm Sewer Internal Oversizing Subsidy (2019-2023)				
Engineering	200,000	0	0	200,000
Construction	5,309,222	3,191,821	33,465	2,083,936
ES542919 Total	\$5,509,222	\$3,191,821	\$33,465	\$2,283,936
TS173919 - Active Transportation (2019-2023)				
Engineering	1,063,252	1,010,413	0	72,839
Construction	9,657,338	7,984,437	94,464	1,578,437
City Related Expenses	9,938	9,656	0	282
TS173919 Total	\$10,750,528	\$9,004,506	\$94,464	\$1,651,558
Total Expenditure	\$16,259,750	\$12,196,327	\$127,929	\$3,935,494

Sources of Financing

ES542919 - Storm Sewer Internal Oversizing Subsidy (2019-2023)				
Drawdown from City Services - Stormwater Reserve Fund (Development Charges) (Note 1)	5,509,222	3,191,821	33,465	2,283,936
TS173919 - Active Transportation (2019-2023)				
Capital Levy	391,425	391,425	0	0
Debenture By-law W.-5654-291	4,951,602	4,112,555	45,394	793,652
Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 1)	5,352,477	4,445,502	49,070	857,906
Other Contributions	55,024	55,024	0	0
TS173919 Total	\$10,750,528	\$9,004,506	\$94,464	\$1,651,558
Total Financing	\$16,259,750	\$12,196,327	\$127,929	\$3,935,494

Financial Note

	ES542919	TS173919	Total
Contract Price	\$32,886	\$92,830	\$125,716
Add: HST @13%	4,275	12,068	16,343
Total Contract Price Including Taxes	37,161	104,898	142,059
Less: HST Rebate	-3,896	-10,434	-14,130
Net Contract Price	\$33,465	\$94,464	\$127,929

Note 1: Development Charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.


Jason Davies
Manager of Financial Planning & Policy